

House Study Bill 537 - Introduced

HOUSE RESOLUTION NO. _____

BY (PROPOSED COMMITTEE ON ETHICS RESOLUTION BY
CHAIRPERSON KOESTER)

1 A Resolution amending the House Code of Ethics.

2 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
3 Rule 8, as adopted by the House of Representatives
4 during the 2011 Session in House Resolution 7, is
5 amended to read as follows:

6 8. GIFTS ACCEPTED OR RECEIVED. Members and
7 employees of the house shall comply with the
8 restrictions relating to the receipt or acceptance
9 of gifts contained in section 68B.22 of the Code.

10 The sponsor of a function under section 68B.22,
11 subsection 4, paragraph "s", shall electronically
12 file a registration with the chief clerk of the house
13 five days prior to the function disclosing the name of
14 the sponsor, and the date, time, and location of the
15 function. The sponsor shall also electronically file a
16 report of expenditures as required pursuant to section
17 68B.22, subsection 4, paragraph "s".

18 BE IT FURTHER RESOLVED, That Rule 12, paragraphs
19 d and e, as adopted by the House of Representatives
20 during the 2011 Session in House Resolution 7, are
21 amended to read as follows:

22 d. Confidentiality of complaint. The identity of
23 the parties and the contents of the complaint shall be
24 confidential until the time that the committee ~~meets to~~
25 ~~determine whether the complaint is valid~~ chairperson
26 and ranking member determine under paragraph "f"
27 that the complaint is sufficient as to form, unless

1 either the complainant or the party charged in the
2 complaint makes the identity of the parties, or the
3 information contained in, the complaint, public.
4 ~~However, if either the complainant or party alleged~~
5 ~~to have committed the violation requests that the~~
6 ~~meeting to determine whether the complaint is valid be~~
7 ~~a closed meeting and the identity of the parties or the~~
8 ~~contents of the complaint have not been disclosed, the~~
9 ~~meeting shall be closed.~~ The chief clerk of the house
10 and the committee chairperson and ranking member may
11 communicate confidentially with appropriate legislative
12 staff during any stage of the complaint process.
13 e. Notice of complaint. Upon receipt of the
14 complaint, the chief clerk of the house shall promptly
15 notify the chairperson and ranking member of the
16 ethics committee that a complaint has been filed and
17 provide both the chairperson and the ranking member
18 with copies of the complaint and any supporting
19 information. Within two working days, the chief clerk
20 shall send notice, either by personal delivery or by
21 certified mail, return receipt requested, to the person
22 or persons alleged to have committed the violation,
23 along with a copy of the complaint and any supporting
24 information. The notice to the accused person shall
25 contain a request that the person submit a written
26 response to the complaint within ten working days of
27 the date that the notice was sent by the chief clerk.
28 At the request of the accused person, the committee may
29 extend the time for the response, not to exceed ten
30 additional calendar days. A response to a complaint

1 shall not be confidential.

2 BE IT FURTHER RESOLVED, That Rule 12, paragraph
3 f, unnumbered paragraph 1, as adopted by the House
4 of Representatives during the 2011 Session in House
5 Resolution 7, is amended to read as follows:

6 The committee chairperson and the ranking
7 member shall review the complaint and supporting
8 information to determine whether the complaint meets
9 the requirements as to form. If the complaint is
10 deficient as to form, the complaint shall be returned
11 to the complainant with instructions indicating the
12 deficiency ~~unless the committee decides to proceed on~~
13 ~~its own motion.~~ If the complaint is in writing, is
14 sufficient as to form, and contains the appropriate
15 certification, as soon as practicable, the chairperson
16 shall call a meeting of the committee to review the
17 complaint to determine whether the complaint meets the
18 requirements for validity and whether the committee
19 should take action on the complaint pursuant to
20 paragraph "g" or whether the committee should request
21 that the chief justice of the supreme court appoint an
22 independent special counsel to conduct an investigation
23 to determine whether probable cause exists to believe
24 that a violation of the house code of ethics, house
25 rules governing lobbyists, or chapter 68B of the Code,
26 has occurred. The sufficiency as to form determination
27 and the valid complaint requirements determination
28 shall be based solely upon the original complaint and
29 the response to the complaint. Additional documents
30 or responses shall not be filed by the parties or

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1 otherwise considered by the committee prior to a
2 validity determination. The committee shall not
3 receive or consider oral testimony in support of or
4 against a validity determination.